

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KAREEM ABDUL RASHAUN CHAMBERS,	:	CIVIL ACTION
	:	NO. 19-5894
Petitioner,	:	
v.	:	
	:	
ERIC TICE, et al.,	:	
	:	
Respondents.	:	

ORDER

AND NOW, this **21st** day of **May, 2021**, upon consideration of the petition for a writ of habeas corpus and the District Attorney's response, and after review of the Report and Recommendation of U.S. Magistrate Judge Elizabeth T. Hey (ECF No. 26), it is hereby **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and

ADOPTED;¹

2. The District Attorney's request to stay is **GRANTED**;

¹ When neither party files timely objections to a magistrate judge's report and recommendation ("R&R") on a dispositive issue, the district court is not required to review the R&R before adopting it. Thomas v. Arn, 474 U.S. 140, 150 (1985) ("It does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings."). However, the Third Circuit has held that "in the absence of objections . . . the better practice is for the district judge to afford some level of review to dispositive legal issues raised by the report." Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987); see also Fed R. Civ. P. 72, 1983 advisory committee notes ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."). In that neither party has filed objections to the R&R, this Court has reviewed it for clear error and has found none.

3. The Petition for a Writ of Habeas Corpus is placed in suspense;
4. Petitioner and the District Attorney shall notify the court within thirty days of the conclusion of the PCRA proceedings and appeal and Petitioner shall advise the court whether he seeks to pursue his habeas petition; and
5. Petitioner's request for the appointment of counsel (ECF No. 25) is **DENIED without prejudice.**

AND IT IS SO ORDERED.

Eduardo C. Robreno

EDUARDO C. ROBRENO, J.